

REMARKS

Final Rejection Premature

Applicant requests that the final rejection be withdrawn as premature, so that the outstanding office action mailed 7/2/01 should be considered to be non-final.

The final rejection was premature because the Examiner's objection to the drawings was not necessitated by any amendment made by Applicant. All the features that the Examiner cited as being absent from the drawings were present in claims 25-29 as originally filed. Therefore, the Examiner should have made such objection in the first office action. MPEP 706.07(a) explicitly states that an office action should not be final if "the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on [a newly submitted IDS]."

Claims 31, 32 and 34

Claim 31 is amended to delete the sealing step. The sealing step is now recited in dependent claim 34. Independent claim 31 and dependent claims 32 and 34 remain allowable for the same reasons argued in Applicant's previous amendment filed 4/13/01. Applicant's patentability argument stated in that previous amendment did not mention the sealing step. Therefore, the sealing step is an unnecessary limitation that is not required to distinguish Applicant's invention from the prior art.

A marked up copy of amended claim 31 appears on the last page of this amendment.

Claim 35

Newly added apparatus claim 35 corresponds to method claim 32, and it is allowable for the same reason that claim 32 is allowable.

Respectfully submitted,



Robert J. Stern
Attorney for Applicant
Registration no. 29,703
Tel. (650) 365-4880